

REMARKS / ARGUMENTS

Claims 1, 2, 4, 7, 8, 9, 11 and 12 will be pending upon entry of this amendment.

Claims 5-13 were rejected under 35 USC 112, first paragraph, for failing to meet the enablement requirement. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

The basis for this rejection appears to be based on the number of working examples. However, the present invention relates to the combined use of known therapeutic agents and contains information relating to how the combination should be administered and the diseases that can be treated. Therefore, the skilled artisan would know how to practice the claimed invention from the present disclosure. This is all that is required for satisfy the enablement requirement. MPEP 2164.02.

Applicant requests withdrawal of rejection based on the enablement requirement of 35 USC 112 for the reasons discussed above.

Claims 5-8 and 10-13 were rejected under 35 USC 112, second paragraph. Applicant requests reconsideration and withdrawal of this rejection for the reasons that follow.

The cancellation of claims 5 and 6 renders moot this rejection as it was applied to claims 5 and 6.

The expression “tumor disease” is defined at the bottom of page 2 of the specification and the following paragraphs. The skilled artisan would have no trouble determining the metes and bounds of the claims using this definition. Although this definition encompasses many conditions, it is not indefinite.

Applicants request reconsideration and withdrawal of the rejection under 35 USC 112, second paragraph, for the reasons discussed above.

The cancellation of claims 5 and 6 renders moot the rejection of these claims under 35 USC 101.

Claims 1-13 were rejected under 35 USC 102(a) as anticipated by Wood et al. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

Although Wood et al includes alkylating agents in a list of potential combination partners for the disclosed VEGFR tyrosine kinase inhibitors, the Examiner does not point out any disclosure of an actual combination of PTK787 and a alkylating agent. Therefore, Wood et al does not identically disclose the presently claimed invention.

Applicant further points out that Wood et al does not even suggest many of the limitations found in the present dependent claims and therefore clearly does not anticipate those dependent claims.

For the reasons discussed above, Applicant requests reconsideration and withdrawal of the rejection under 35 USC 102(a).

Claims 1-13 were rejected under 35 USC 103(a) over Bold in view of Reidenberg. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

Bold is relied on as disclosing the present compounds of formula I and PTK787. Reidenberg is relied on as disclosing temozolomide as a chemotherapeutic agent.

When agents having different mechanisms are combined, it is possible for the combination to show: synergy, additive effect or antagonism. In order to reject the present claims under 35 USC 103, the Examiner must demonstrate that the skilled artisan would have a reasonable expectation that the combination would show synergy or an additive effect, and not antagonism. However, in the absence of some objective teaching in the prior art to lead the skilled artisan to expect one of the desired effects, it is merely obvious to try the present combinations. Since obvious to try is not the proper standard for rejecting claims under 35 USC 103, Applicant requests withdrawal of the rejection under 35 USC 103.

Entry of this response and reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,



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